

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION AT JACKSON**

**PATRICIA A. CHAMBLISS,
THOMAS F. CHAMBLISS,**

Plaintiffs,

Docket No. 21-1136

vs.

**FELIPE MARTINEZ;
LUEBE-JONES, INC.; AVADEK, INC.;
AVADEK, INC. d/b/a LUEBE-JONES, INC.;
PERFECTION ARCHITECTURAL SYSTEMS, LLC;
and ENTERPRISE FM TRUST;**

Defendants.

NOTICE OF REMOVAL

AVAddek, Inc. (hereinafter “AVAddek”), by counsel, pursuant to 28 U.S.C. § 1446 now files this Notice of Removal, removing this cause to the United States District Court for the Western District of Tennessee, Eastern Division. The grounds for this removal are as follows:

A. STATE COURT ACTION

1. On or about August 10, 2021, Plaintiffs commenced this action against the Defendant, AVAddek, in the Circuit Court of Tennessee for the Twenty-Sixth Judicial

District at Jackson, Madison County, Tennessee where the case is currently pending under Docket No. C-21-196 Div.II.

2. Defendant, AVAdek, received a copy of the Complaint on or about August 19, 2021, after it was served through the its registered agent for service of process on or about August 19, 2021. A copy of the Complaint is attached as Exhibit “A” to this Notice in accordance with 28 U.S.C. §1446(a). While an initial set of state court written discovery requests were sent to this Defendant, there have been no other pleadings or orders served on the Defendant in the pending State Court action, nor have any proceedings taken place in that court.

B. TIMELINESS OF REMOVAL

This Petition is being filed within thirty (30) days after Defendant, AVAdek, was served with a copy of the *Complaint* as required by the provisions of 28 U.S.C. §1446(b). Fed. R. Civ. P. 6(a)(1)(c).

C. AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00

The Complaint alleges negligence, negligence per se, and negligent entrustment, on the part of the Defendants in connection with a motor vehicle accident. The prayers for relief for each of the 2 plaintiffs seek damages “not to exceed the sum of FIVE MILLION DOLLARS AND 00/100 (\$5,000,000.00) [*Complaint*, p. 18]. Accordingly, pursuant to 28 U.S.C. §1446(c), the amount in controversy which Plaintiffs seek to

recover from the Defendant, as demonstrated by the *Complaint* filed in the State Court proceeding, is in excess of \$75,000.00, as required under 28 U.S.C. §1332(a).

D. COMPLETE DIVERSITY OF CITIZENSHIP BETWEEN PLAINTIFFS AND THE DEFENDANT

1. Plaintiff, Patricia A. Chambliss, is an adult resident citizen of Madison County, Tennessee. [*Complaint*, p. 1, ¶ 1].

2. Plaintiff, Thomas F. Chambliss is an adult resident citizen of Madison County, Tennessee. [*Complaint*, p. 1, ¶ 2].

3. Defendant, AVAdek, is a corporation domiciled and principally located in the state of Texas. [*Complaint*, p. 1, ¶ 8].

4. Defendant, Felipe Martinez ["Martinez"], is an adult resident citizen of Dallas, Texas. [*Complaint*, p. 1, ¶ 3].

5. Defendant, Luebe-Jones, Inc. ["Luebe-Jones"], is a corporation domiciled and principally located in the state of Texas. [*Complaint*, p. 1, ¶ 4].

6. Defendant, AVAdek Inc. d/b/a Luebe Jones, Inc. ["AVAdek-Luebe Jones"], is a corporation domiciled and principally located in the state of Texas. [*Complaint*, p. 1, ¶ 12].

7. Defendant, Perfection Architectural Systems, LLC ["Perfection Architecture"], is a corporation domiciled and principally located in the state of Texas. [*Complaint*, p. 1, ¶ 16].

8. Defendant, Enterprise FM Trust ["Enterprise"], is a Delaware statutory trust with a principal place of business in the state of Missouri. [*Complaint*, p. 1, ¶ 20].

9. Neither Defendant AVAdek nor any other Defendant shares common citizenship with either of the Plaintiffs nor are any Defendants domiciled or principally located in the state of Tennessee.

10. Pursuant to the provisions of 28 U.S.C. §1332, this Court has original jurisdiction of this action insofar as the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this action is removable under the provisions of 28 U.S.C. §1441.

11. All Defendants who have been served consent to the removal of this action as required under 28 U.S.C. §1446(b)(2)(A).

E. NOTICE PROVIDED TO STATE COURT AND TO PLAINTIFF

Simultaneously with the filing of this Notice of Removal, pursuant to 28 U.S.C. §1446(d), Defendant, AVAdek, is providing written notice of this pleading to counsel for the Plaintiff and is filing a copy of this Notice of Removal with the Madison County Circuit Court Clerk as an attachment to its Notice of Filing of Notice of Removal, attached hereto as Exhibit "B".

The Defendant, AVAdek, will file responsive pleadings in accordance with the Federal Rules of Civil Procedure, Rule 81(c), unless such response is extended by this Court or by agreement by and between the parties.

WHEREFORE, PREMISES CONSIDERED, Defendant, AVAdek, respectfully gives its Notice of Removal of this action from the Circuit Court of Madison County, Tennessee to the United States District Court for the Western District of Tennessee, Eastern Division, pursuant to 28 U.S.C. §§1441 and 1446.

Respectfully submitted,

SHUTTLEWORTH PLLC

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CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the above and foregoing document has been forwarded, via electronic mail and U.S. Mail, postage prepaid, this the 20th day of September, 2021 to:

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